

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

CrI.MC.No. 2665 of 2015 ()

**CC.NO. 1518/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT., SASTHAMCOTTA
CRIME NO. 696/2010 OF SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT**

PETITIONERS/ACCUSED AI TO 6 :

- 1. ANEESH, AGED 24 YEARS
S/O.CHANDRAN, ANEESH BHAVANAM, KADAPPA MURI
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK
KOLLAM DISTRICT.**
- 2. KIRAN, AGED 25 YEARS
S/O.CHANDRAN PILLAI, RESMI BHAVANAM
AMPALATHUMBHAGOM MURI, PORUVAZHI VILLAGE
KUNNATHOOR TALUK, KOLLAM DISTRICT.**
- 3. AKHIL NATH, AGED 25 YEARS
S/O.NARAYANAN NAIR, ATHIRALAM, VALLIKKAVU
CLAPPANA VILLAGE, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT.**
- 4. AJAY, AGED 24 YEARS
S/O.AJAYAN, KALEELIKIZHAKKATHIL VEEDU
NORTH OF PUTHUKKADU MUKKU, PULIYOOR VANCHIKIZHAKKU
THAZHAVA KIZHAKKU MURI, THAZHAVA VILLAGE
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**
- 5. NIDHIN, AGED 26 YEARS
S/O.SOMAN, CHAKKAVILAYIL VEEDU
SOUTH OF MAVILA JUNCTION
THEVALAKKARA PADINJATTAKKARA MURI
THEVALAKKARA VILLAGE, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT**
- 6. PRANAV, AGED 26 YEARS
S/O.MOHANAN PILLAI, SHEEJA BHAVANAM
AMPALATHUMBHAGAM MURI, PORUVAZHI VILLAGE
KUNNATHOOR TALUK, KOLLAM DISTRICT.**
- 7. BENYO BENNY @ BIJU, AGED 25 YEARS
S/O.BENNY VARGHEESE, BIJU BHAVAN, ARINALLOOR MURI
THEVALAKKARA VILLAGE, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT.**

8. KRISHNAKUMAR, AGED 26 YEARS
S/O.VIJAYAN PILLAI, VILANGANNOOR PUTHEN VEETIL
NEAR PUTHENCHANDA, CHOLA MURI, PANMANA VILLAGE
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT

9. AKHIL, AGED 27 YEARS
S/O.NARAYANAN NAIR, KARTHIKA VEEDU
PADIJATTINKIZHAKKUMURI, SOORANAD NORTH VILLAGE
KUNNATHOOR TALUK, KOLLAM DISTRICT

BY ADV. SRI. P.V. DILEEP

RESPONDENT/COMPLAINANT :

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031
 2. ARUN KUMAR, AGED 25 YEARS
S/O.SUKUMARAN PILLAI, PERUMPALLIL VEEDU
NEAR ASWATHY JUNCTION, MUTHUPILAKKADU WEST
SASTHAMCOTTA VILLAGE, KUNNATHOOR TALUK
KOLLAM DISTRICT 690501.
 3. MANOJ, AGED 24 YEARS
S/O.MANIYAN PILLAI, ELANJI VEEDU, KOTTACKAKAM MURI
EAST OF PAYYALAKKAVU AMPALAM, CHAVARA VILLAGE
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT – 690518.
 4. SHYAMLAL, AGED 24 YEARS
S/O.SASIDHARAN
SIVATHEERTHAM (KAATTOR VADAKKATHIL)
KANIYANKADAVU SOUTH
PATHARAM, IRAVICHIRA WEST MURI
SOORANAD SOUTH VILLAGE, KUNNATHOOR TALUK
KOLLAM DISTRICT – 690508.
 5. VARUN, AGED 27 YEARS
S/O.RANGAN, KAIMUTTATHU VEEDU, VELLANATHURUTHU MURI
ALAPPAD VILLAGE, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT 690508
 6. SARAN, AGED 25 YEARS
S/O.SASIKUMAR, PADMA MANDIRAM
PADINJATTAM KIZHAKKUMURI, SOORANAD NORTH VILLAGE
KUNNATHOOR TALUK, KOLLAM DISTRICT 690508.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 TO R6 BY SRI.K.V.ANIL KUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2665 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: A TRUE COPY OF FINAL REPORT IN CRIME NO.696/2010 OF
SASTHAMCOTTA POLICE STATION IN KOLLAM DISTRICT.**

ANNEXURE B: NOTARIZED AFFIDAVIT FILED OF THE 2ND RESPONDENT.

ANNEXURE C: NOTARIZED AFFIDAVIT FILED OF THE 3RD RESPONDENT.

ANNEXURE D: NOTARIZED AFFIDAVIT FILED OF THE 4TH RESPONDENT.

ANNEXURE E: NOTARIZED AFFIDAVIT FILED OF THE 5TH RESPONDENT.

ANNEXURE F: NOTARIZED AFFIDAVIT FILED OF THE 6TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 2665 of 2015

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Dated this the 27th day of May, 2015

O R D E R

The petitioners herein are accused Nos.1 to 9 in Crime No.696/2010 of Sasthamcotta Police Station, registered for offences punishable under Secs.143, 147, 148, 294(b), 324, 326 read with Sec.34 of the I.P.C. The Police, after investigation submitted the impugned Anx.A final report/charge sheet in the above said crime, which led to the pendency of Calendar Case, C.C.No.1518/2013 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta. The gist of the prosecution case is that on 18.6.2010 at about 10.30 p.m., the accused persons 1 to 9 in the crime unlawfully assembled together, used abusive words and thereafter the 1st accused assaulted the 2nd respondent (defacto complainant) with an iron rod causing injury and the 2nd accused attacked the 3rd respondent with a cricket stump causing injuries. It is further alleged that accused Nos.3 to 9 also assaulted respondents 4 to 6 herein, thereby they sustained injuries and thus the petitioners committed the above

said offences. It is stated that now the entire disputes between the parties have been settled as borne out by the affidavits sworn to by them, which are produced in this case. It is in the light of these aspects that the petitioners have preferred the instant CrI.M.C. with the prayer to quash the impugned criminal proceedings against them.

2. Heard Sri.P.V.Dileep, learned counsel for the petitioners, Sri.K..V.Anil Kumar, learned counsel appearing for contesting respondents 2 to 6 and the learned Public Prosecutor appearing for the 1st respondent State.

3. The learned counsel for the petitioners reiterated the contentions and submissions in the CrI.M.C. The learned counsel appearing for the contesting respondents 2 to 6 submitted that the entire disputes between the petitioners and respondents 2 to 6 have been settled amicably and that respondents 2 to 6 have no objection in the quashment of the impugned criminal proceedings against the petitioners. The learned Public Prosecutor submitted that the prayer for quashment of the impugned criminal proceedings may be considered in the light of the legal principles laid down by the Apex Court and by this Court on the subject.

4. On a consideration of the entire facts and circumstances of this case and the affidavits sworn to by respondents 2 to 6 in this case stating that they have no further grievances against the petitioners and that they have no objection in the quashment of the impugned criminal proceedings, this Court of the considered opinion that the prayer for quashment of the impugned criminal proceedings could be considered in the light of the legal principles laid down by the Apex Court and by this Court on the subject. Accordingly, it is ordered in the interest of justice that the impugned Anx.A final report/charge sheet filed in Crime No.696/2010 of Sasthamcotta Police Station, which has led to the pendency of C.C.No.1518/2013 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta and all further proceedings arising therefrom pending against the petitioners stand quashed.

The CrI.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge